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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,993	11/10/2000	Matthew Brown	CON1350-011B	4667

7590 02/12/2004  
RIA FARRELL SCHALNAT  
FROST BROWN TODD LLC  
2200 PNC CENTER  
201 EAST FIFTH STREET  
CINCINNATI, OH 45202

EXAMINER

GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/709,993

Applicant(s)

BROWN ET AL.

Examiner

Clement B Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. Examiner noticed that pages, 18 and 39 is missing from the specification therefore Applicant's is ask to provide the missing pages.

#### **Claim Rejections - 35 USC § 101**

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-6, are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility. The claimed invention is noted not to be a computer program, data structure, a natural phenomenon, and a non-descriptive material per se. Furthermore, the claimed invention do not produce a useful, concrete and tangible result therefore they are nonstatutory. The claimed invention also is not a product for performing a process, nor it is a specific machine or manufacture. The claimed invention is not a specific tangible machine or process for facilitating a business transaction.

As to the technology requirement, note MPEP Section IV 2(b). Also note In Re Waldbaum, 173USPQ 430 (CCPA 1972) which teaches "useful arts" is synonymous with "technological arts". In re Musgrave, 167USPQ 280 (CCPA1970),

In re Johnston, 183USPQ 172 (CCPA 1974), and In re Toma, 197USPQ 852 (CCPA 1978), all teach a technological requirements.

For a claim to be statutory under 35 USC 101 the following two conditions must be met:

- 1) In the claim, the practical application of an algorithm or idea result in a useful, concrete, tangible result, AND
- 2) The claim provides a limitation in the technological art that enables a useful, concrete, tangible result.

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Peters et al (Hereinafter Peters U.S. Patent 5,696,906).

As claim 1, Peters discloses a method for presenting a statement comprising the steps of: creating a plurality of segments; creating a plurality of sections, at least one section assigned to each of said segments; creating at least one statement presentation code; assigning said at least one statement presentation code to at least one of said plurality of sections; and producing said statement in accordance with said segments, said sections, and said statement presentation code. (see column 6 lines 45-65 and column 7-9 lines 5-65).

As claim , Peters discloses wherein the step of creating a statement presentation code comprises the steps of: assigning a summary line for adding transactions to said statement presentation code; and assigning to said statement presentation code a sorting indicator. (see column 6 lines 45-65 and column 7-9 lines 5-65).

As per claim 3, Peters discloses wherein the step of creating a plurality of segments comprises the steps of:

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creating a summary segment; creating an itemization segment; creating a usage detail segment; and creating a tax segment. (see column 6 lines 45-65 and column 7-9 lines 5-65).

As per claim 4, Peters discloses wherein the step of creating a plurality of sections

comprises the steps of:

creating a summary line section for said summary segment;

creating a plurality of occurrence line sections for said itemization and usage detail segments;

and

creating a tax line segment for said tax segment. (see column 6 lines 45-65 and column 7-9 lines 5-65).

As per claim 5, Peters discloses further comprising the step of assigning occurrences to said occurrence line sections in said itemization and said usage details segments. (see column 6 lines 45-65 and column 7-9 lines 5-65).

As per claim 6, Peters discloses wherein said occurrences are selected from the group consisting of telephone lines and equipment outlets. (see column 6 lines 45-65 and column 7-9 lines 5-65).

As per claim 7, Peters discloses a system for configuring statements comprising: a plurality of segments;  
a plurality of sections;  
a means for assigning at least one section to each of said segments; at least one statement presentation code;  
a means for assigning said at least one statement presentation code to at least one of said plurality of sections; and

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a means for producing said statement in accordance with said segments, said sections, and said statement presentation code. (see column 6 lines 45-65 and column 7-9 lines 5-65).

As per claim 8, Peters discloses wherein a statement presentation code comprises:

a summary line for adding transactions to said statement presentation code; and a sorting indicator. (see column 6 lines 45-65 and column 7-9 lines 5-65).

As per claim 9, Peters discloses wherein said plurality of segments comprises: a summary segment. (see column 6 lines 45-65 and column 7-9 lines 5-65).

#### Conclusion

4. The prior art of record and not relied upon is considered pertinent to

Applicants disclosure.

Pierce (US Patent 4, 485, 300) teaches lost control system.

Hall et al (US 3, 852, 571 Patent) teaches system of transferal of funds.

Yarnell et al (US 6, 547, 129 Patent) teaches utilities meter readout system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


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CG

January 23, 2004

  
HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600